

BOARD OF COUNTY COMMISSIONERS

Charles W. Oddo, Chairman
Randy Ognio, Vice Chairman
David Barlow
Steve Brown
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, Interim County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

December 8, 2016
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Oddo called the December 8, 2016 Board of Commissioners meeting to order at 7:01 p.m. Vice Chairman Ognio was absent from the meeting.

Invocation by Commissioner Charles Rousseau

Commissioner Rousseau recognized that the meeting would be the last meeting for Commissioner Barlow and asked that he would give the Invocation. Commissioner Barlow gave the Invocation.

Pledge of Allegiance

Commissioner Barlow led the Board and the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Barlow moved to accept the agenda. Commissioner Brown seconded. The motion passed 4-0 with Vice Chairman Ognio absent.

PROCLAMATION/RECOGNITION:

1. Recognition of Commissioner David Barlow for four (4) years of service on the Fayette County Board of Commissioners.

Chairman Oddo and the Board of Commissioners recognized Commissioner Barlow for four years of service to the community. Chairman Oddo read some background information about Commissioner Barlow and his service. Commissioner Barlow's wife, Cherie Barlow was also present to receive the recognition. Commissioner Barlow thanked the citizens, the staff and everyone who supported him. He also thanked his wife. A copy of the request, identified as "Attachment 1," follows these minutes and is made an official part hereof.

2. Recognition of Tax Commissioner George Wingo for twenty-four (24) years of service in the Fayette County Tax Commissioner office.

Chairman Oddo announced that Tax Commissioner George Wingo was unable to attend. Chairman Oddo read a brief biography of George Wingo. The Board thanked Mr. Wingo for his service. A copy of the request, identified as "Attachment 2," follows these minutes and is made an official part hereof.

3. Recognition of winners of the 2016 Model Water Tower Competition and the Fayette County Water System staff.

Water System Director Lee Pope recognized the staff who organized the Model Water Tower Competition. Water System staff member Joseph Spann recognized Peachtree City Water and Sewer Authority Technical Manager Keisha Thorpe, the teachers and the winning students who participated in the 2016 Model Water Tower competition. The Board congratulated all that participated. A copy of the request and certificates, identified as "Attachment 3," follows these minutes and is made an official part hereof.

4. Recognition of the Fayette County Parks and Recreation for achieving the District 4 Georgia Recreation and Park Association Special Event Award.

The Board of Commissioners recognized the Fayette County Parks and Recreation department for achieving the District 4 Georgia Recreation and Park Association Special Event Award for their work with the 2016 Balloons Over Fayette event. Director Anita Godbee was present to accept and she explained the criteria for the award. Mrs. Godbee thanked Fayette County for all the hard work that was done as a team to have a successful event. A copy of the request, identified as "Attachment 4," follows these minutes and is made an official part hereof.

5. Presentation of an overview of the McIntosh Trail Community Service Board.

Mr. Michael Hubbard presented a PowerPoint presentation of an overview of the McIntosh Trail Community Service Board to the Board of Commissioners. He recognized the Board members that were present at the meeting. The Board engaged with comments and questions regarding the services offered. Commissioner Rousseau asked County Administrator Steve Rapson to setup a meeting with Mr. Hubbard to have further dialogue on how the County can assist with services provided through McIntosh Trail Community Service Board. A copy of the request and PowerPoint presentation, identified as "Attachment 5," follows these minutes and is made an official part hereof.

PUBLIC HEARING:

6. Consideration of Ordinance 2016-22, Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Article III. -General Provisions, Section 110-93 Concerning Septic Tanks and Drain Field Line Setbacks.

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property* into the record. A copy of the *Introduction to Public Hearings for the Rezoning of Property*, identified as "Attachment 6," follows these minutes and is made an official part hereof.

Mr. Frisina briefed the Board that the State's setbacks for septic tanks and drain field line was ten (10) feet and the County ordinance is set at that same level. He stated that this would be a change to the County ordinance to reflect the new five (5) feet setback in the State's requirements.

Commissioner Brown asked Mr. Frisina if there were any problems with the new five feet restriction. Mr. Frisina stated that Environmental Health stated that it was not a problem and that is why the State lowered the setback.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Brown moved to approve Ordinance 2016-22, Amendments to the Fayette County Code of Ordinances, Chapter 110. Zoning Ordinance, Article III. -General Provisions, Section 110-93 Concerning Septic Tanks and Drain Field Line Setbacks. Commissioner Rousseau seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request and Ordinance 2016-22, identified as "Attachment 7," follows these minutes and is made an official part hereof.

7. Approval of staff's recommendation to approve Allam Syed Hafeez's application for a retail license to sell alcoholic beverages at 1467 Highway 92 North, Fayetteville, Georgia 30214.

Mr. Frisina confirmed that the Board received the new form that was created by the County Code Enforcement based on the recommendations given by Vice Chairman Ognio. The Board did receive the new form on the dais.

No one spoke in favor of this item.

No one spoke in opposition of this item.

Commissioner Brown moved to approve Allam Syed Hafeez's application for a retail license to sell alcoholic beverages at 1467 Highway 92 North, Fayetteville, Georgia 30214. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 8," follows these minutes and is made an official part hereof.

8. Approval of staff's recommendation to approve Akber Uddin's application for a retail license to sell alcoholic beverages at 2708 Highway 92 South, Fayetteville, Georgia 30214.

No spoke in favor of this item.

No spoke in opposition of this item.

Commissioner Brown moved to approve Akber Uddin's application for a retail license to sell alcoholic beverages at 2708 Highway 92 South, Fayetteville, Georgia 30214. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 9," follows these minutes and is made an official part hereof.

CONSENT AGENDA:

Commissioner Brown requested to remove Consent Agenda items #18 and #19 for discussion. Commissioner Rousseau requested to remove item #21.

Commissioner Brown moved to approve the Consent Agenda with the exception of items #18, #19 and #21. Commissioner Barlow seconded. The motion passed 4-0 with Vice Chairman Ognio absent.

9. Approval of the Public Arts Committee's request for Concept Approval to develop art opportunities at the 2017 Balloons Over Fayette event. A copy of the request, identified as "Attachment 10," follows these minutes and is made an official part hereof.

10. **Approval of the Public Arts Committee's request for Concept Approval for the Spring Chalk Art event as an annual event and to utilize Chalk Art as a supporting feature at other local events. A copy of the request, identified as "Attachment 11," follows these minutes and is made an official part hereof.**
11. **Approval of the Public Arts Committee's request for Concept Approval to develop a Lecture Series program specific to Art. A copy of the request, identified as "Attachment 12," follows these minutes and is made an official part hereof.**
12. **Approval of the Public Arts Committee's request for Concept Approval to develop and host Pop-Up Shows. A copy of the request, identified as "Attachment 13," follows these minutes and is made an official part hereof.**
13. **Approval of the Public Arts Committee's request for Concept Approval to develop art programs in partnership with the Southern Conservation Trust. A copy of the request, identified as "Attachment 14," follows these minutes and is made an official part hereof.**
14. **Approval of Ordinance 2016-23 to establish provision adopting the International Fire Code and to amend the Fayette County Code of Ordinances, Chapter 12, as it pertains to fire prevention and protection. A copy of the request, identified as "Attachment 15," follows these minutes and is made an official part hereof.**
15. **Approval to convert the part-time positions' funding back into two full-time Firefighter/EMT positions with the available budget of \$68,721.00 included in the Fire Fund's FY 2017 operations budget. A copy of the request, identified as "Attachment 16," follows these minutes and is made an official part hereof.**
16. **Approval of the proposed 2017 Local Maintenance & Improvement Grant (LMIG) project list for unincorporated Fayette County and authorization for the Chairman to sign the LMIG Application and related documents. A copy of the request, identified as "Attachment 17," follows these minutes and is made an official part hereof.**
17. **Approval to enter into an Intergovernmental Agreement with Peachtree City for paving the portion of Redwine Road within the City's limits and for the City to reimburse the County for cost of materials, estimated to \$28,000.00. A copy of the request, identified as "Attachment 18," follows these minutes and is made an official part hereof.**
18. **Approval of the staff's recommendation to award a contract on Bid # 1144-B Firing Range and Observation Tower in the amount of \$432,020.00 to Gene Barber Contracting, Inc. for the construction of a firing range, observation tower and shoot house.**

Commissioner Brown stated that as it relates to the firing range and observation tower, is this the last expenditure on this project. He stated that the project is getting bigger and bigger.

Mr. Rapson stated that at the April 2016 Board of Commissioner Retreat, staff presented the Sheriff's master plan for the facility. He stated that so far they have completed the long-range shooting range and the grading of the area for the short-range. He stated that this item is for the observation tower and the shoot house. He stated that the shoot house plan from the Retreat is identical to what is being presented to the Board. He stated that the remaining portion that would be funded by the Board is the training facility which is a renovation. He stated that the budget is sufficient for this request and the Sheriff has committed to purchasing the equipment, furniture and fixtures. He stated that the only thing not funded in the original master plan is the road course for the Sheriff's vehicles.

Commissioner Brown stated that he was asking if this is the last expenditure on the shooting range in particular.

Mr. Rapson stated that this would be the last piece to complete the shooting range. Commissioner Brown stated that he was confirming that this would be the last check for the shooting range. Mr. Rapson confirmed that this would be the last check. He stated that the project is within budget.

Commissioner Brown referenced the variance in bids for the project. Mr. Rapson stated that this a unique project. He stated that makes it difficult to find a design for the project.

Commissioner Brown stated that if the County is going to let other jurisdictions use the range, there should be a fee involved for use of the facility.

Commissioner Rousseau stated that it is good for the public to understand the importance of the shooting range and its use for the officers to be qualified. He asked staff to explain how the range would be used.

Mr. Rapson stated that this procurement completes the firing range for the Sheriff's office. He stated that the range in operation for the deputies' post certification is being done across from McCurry Park. He stated that each deputy has to be certified with their weapon each year. He stated that there are specialty teams that work with long barrel weapons and at the current location there is no distance for the deputies to shoot their weapons. He stated that the County has to go to other jurisdictions and pay for the services.

Commissioner Brown moved to award a contract on Bid # 1144-B Firing Range and Observation Tower in the amount of \$432,020.00 to Gene Barber Contracting, Inc. for the construction of a firing range, observation tower and shoot house. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 19," follows these minutes and is made an official part hereof.

19. Acknowledgment of Sheriff Barry H. Babb's decision to dispose of county property.

Commissioner Brown stated that Vice Chairman Ognio raised a good point and he shared his sentiment regarding the use of GovDeals and setting minimums to gain more money on the items.

Commissioner Rousseau stated that he had a conversation with Mr. Rapson and the Sheriff and he learned there is a difference in the items that are seized and the ones purchased through the County's procurement process. He stated that in this instance it is the Sheriff's decision.

Mr. Rapson stated that these vehicles are not purchased, but given from the equitable sharing fund. He stated these vehicles are better traded rather than auctioned and he would speak with Sheriff Babb about that option.

Commissioner Brown stated that if a minimum is set on GovDeals then there would not be a loss.

Commissioner Brown moved to approve Sheriff Babb's decision to dispose of the county property as is. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 20," follows these minutes and is made an official part hereof.

20. Approval of the Interim County Clerk's recommendation to adopt the 2017 County Commissioner Meeting Schedule.

A copy of the request, identified as "Attachment 21," follows these minutes and is made an official part hereof.

21. Approval of the November 10, 2016 Board of Commissioners Meeting Minutes.

Commissioner Rousseau stated that on page 86 of the agenda package, two paragraphs under New Business, the last sentence, he would like to change the sentence from "He stated that he wants the cities to know what the fund is." to "He stated that he wants the cities to know what the cost would be."

Commissioner Rousseau moved to approve the November 10, 2016 Board of Commissioners Meeting Minutes with the change as identified. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent.

OLD BUSINESS:

22. Consideration of Commissioner Brown's request to change the hours for the county lakes, to sunrise to sunset to allow more user opportunities and to align hours of operation with other outdoor parks. This item was tabled from October 13, 2016 Board of Commissioners meeting. A copy of the request, identified as "Attachment 22," follows these minutes and is made an official part hereof.

Commissioner Brown stated that he met with the various entities. He asked Mr. Rapson to brief the Board regarding this item.

Mr. Rapson stated that through the Recreation Department there is an Association Agreement with the Peachtree City Rowing Club who has a relationship with RowAmerica. He stated that because of that relationship RowAmerica falls under the agreement that is done with all other associations such as football and softball. He stated that staff reviewed the Association Agreement and it gives the club the ability to go into the park before and after hours with some type of access. He stated that staff will install a key access in the parks to determine who is entering and exiting the parks. He stated that he would notify the Sheriff's office and the Water Committee of the arrangements of the agreement. He stated the hours of the parks are not being changed, therefore the arrangement does not conflict with the direction from the Water Committee or the Recreation Committee regarding the park hours. He stated that everyone is on the same page with the arrangement of the agreement.

Commissioner Brown stated that the agreement would be the same as with other recreational youth sport programs here in the County. He stated that one of the complaints was the use of gasoline outboards for the launch boats. He stated that there is an entity that will bring in donations for rechargeable outboards that would take away any of the complaints.

Commissioner Rousseau stated that this is a water reservoir and he wanted to be sure that staff is working on the key card system to track the use of the reservoir.

Mr. Rapson stated that adding electricity to the park will also help with installing cameras in the parks to help track who is entering and exiting the park.

No vote was taken on this item.

NEW BUSINESS:

23. Consideration of Chairman Charles Oddo's recommendation to hold a Special Called Organizational meeting on January 5, 2017.

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Chairman Oddo read the revised item into the record: Consideration of Chairman Charles Oddo's recommendation to hold a Special Called Organizational meeting on January 5, 2017 and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the Chairman or his designee to make an appointment to the Board of Health at said meeting.

No one spoke regarding this item.

Commissioner Brown moved to approve to hold a Special Called Organizational meeting on January 5, 2017 and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the Chairman or his designee to make an appointment to the Board of Health at said meeting. Commissioner Barlow seconded. Discussion followed.

County Attorney Dennis Davenport asked if a time was mentioned.

Mr. Rapson stated that a majority of the Board agreed to 6:00 p.m.

Commissioner Brown amended the motion to approve to hold a Special Called Organizational meeting on January 5, 2017 at 6:00 p.m. and to consider the Selection Committee's recommendation to appoint two selected applicants to the Planning Commission and for the Chairman or his designee to make an appointment to the Board of Health at said meeting. Commissioner Barlow amended the second. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 23," follows these minutes and is made an official part hereof.

24. Consideration of Chairman Charles Oddo's recommendation to hold a Special Called meeting on January 6, 2017 between Fayette County, City of Fayetteville, City of Peachtree City, Town of Tyrone, Woolsey and Brooks to discuss the proposed 2017 Special Purpose Local Sales Tax (SPLOST) referendum.

No one spoke regarding this item.

Commissioner Brown moved to approve to hold a Special Called meeting on January 6, 2017 at 6:00 p.m. between Fayette County, City of Fayetteville, City of Peachtree City, Town of Tyrone, Woolsey and Brooks to discuss the proposed 2017 Special Purpose Local Sales Tax (SPLOST) referendum. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 24," follows these minutes and is made an official part hereof.

25. Consideration of the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County.

Commissioner Rousseau stated that in keeping with the intent of the County's Ethic Ordinance, he would have to recuse himself from the debate and voting on this agenda item, due to the petitioner's donation to his campaign beyond the amount that would allow him to participate in the discussion and vote on this item.

Public Works Director Phil Mallon briefed the Board regarding this item. He stated that Fayette County entered to an agreement with the City of Fayetteville in August 2013 regarding the Pinewood Development. He stated that one of the conditions associated with the agreement was for the County to fund the construction of a tunnel on Veteran's Parkway or Sandy Creek. He stated that as the development has progressed over the years, the City of Fayetteville recently wrote a letter to all the Commissioners requesting reconsideration of the agreement.

Commissioner Brown asked if the site for the bridge had been determined.

Mr. Mallon stated that it would coincide with the main entrance.

Commissioner Brown stated that the apartments would go beyond the legal right away. He asked was there a problem with the City or the private interest on having public paths that might end up on private property to reach the bridge abutments.

City of Fayetteville City Manager Ray Gibson stated that there were no concerns. There were no concerns from those with a private interest.

Commissioner Brown moved to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County. Commissioner Barlow seconded. Discussion followed.

Commissioner Brown stated that the County is responsible for a bridge on the wetlands area, parallel to Veteran's Parkway. He stated that he would love to see if the two projects could be completed jointly and bided together.

Dennis stated that the change occurred fairly quickly and there was no language submitted for the Board to approve. He stated that this request is in concept only to make the change from tunnel to bridge. He stated that if it meets the Board's favorable consideration, the motion might read, "conditioned upon...agreed upon language between city and county staff". He stated that he would be more comfortable having that as part of the motion.

Commissioner Brown amended the motion.

Commissioner Brown amended the motion to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County and to have staff and the County Attorney to review the language to ensure it is acceptable prior to execution. Commissioner Barlow amended the second. Discussion followed.

Mr. Rapson stated that he would like to request that the Board also include the dollar amount of \$754,934.00, and to include that percentage completion.

Commissioner Brown amended the motion to approve the request by City of Fayetteville to modify Section 5(f) the August 1, 2013 Annexation Consent Agreement between the City and Fayette County and to have staff and the County Attorney to review the language to ensure it is acceptable prior to execution and to contribute \$754,934.00 as part of a percentage completion to the agreement. Commissioner Barlow amended the second. The motion passed 3-0-1 with Vice Chairman Ognio absent and Commissioner Rousseau recused from the vote. A copy of the request, identified as "Attachment 25," follows these minutes and is made an official part hereof.

26. Consideration of staff's recommendation to award IFB #1215-B to J.M. Clayton Company, in the amount of \$216,500.00, for lighting at McCurry Park's Soccer Field #22 and Soccer Field #23.

Parks and Recreation Director Anita Godbee stated that in 2013 the department began a process of refurbishing the sports lights on all the facilities due to some safety concerns and some overall operational cost. She stated that there has been 21 different sports field lightings refurbished at McCurry, Kiwanis, and Brooks parks. She stated that the request is for the refurbishment of soccer fields #22 and #23. She stated that the notices were submitted through emails to contractors through web based process, the Georgia Procurement Registry, advertised on the county's website, Fayette County News and

Comcast Channel 23. She continued that four companies submitted bids for Invitation for Bids (IFB) #1215-B and due to funding constraints, staff changed that the lights would be replaced with the high intensity discharge lights instead of the LED lights.

Commissioner Brown commended that the lighting is impressive at the County's fields.

Commissioner Rousseau requested a list of what parks are completed and what is still needed be provided to the Board.

No one spoke regarding this item.

Commissioner Brown moved to award IFB #1215-B to J.M. Clayton Company, in the amount of \$216,500.00, for lighting at McCurry Park's Soccer Field #22 and Soccer Field #23. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 26," follows these minutes and is made an official part hereof.

27. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15.

Mr. Davenport briefed the Board that this request is similar to other request for the Disabled Veterans Homestead Exemption. He stated that in this request the veteran involved received a letter in October 2016 certifying that her disability was effective in 2010. He stated that as a result her request was made for tax refunds for 2013, 2014 and 2015. He stated that the record reflects that the house was not owned until after 2013. He stated that for 2014 and 2015 it meets with the same issue as before. He stated that it is a timing issue where the exemption was not applied for because the information from the federal government was not available then. He stated that when a veteran applies for exemption it is applied prospectively. He stated that this issue is part of the legislative package from the Board of Commissioners to the legislature in order to find a solution since typically exemptions are not applied retroactively.

Mr. Williamson stated that he was speaking on behalf of his wife regarding this issue. He stated that his wife was told to come to the Commissioners' meeting in order to receive a refund. He asked why was she told that if she was not going to be refunded. He stated that she has submitted paperwork showing that she was 100% disabled from the time she purchased the property. He stated that there are new proposals coming down the track and that the Board should not deny her request.

Chairman Oddo stated that there is a process in the works to alleviate this type situation, however from his stand point the Board can only follow the rules that are currently in place.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15. The motion to deny died for a lack of a second.

Commissioner Rousseau asked if the legislature acts favorable on the legislative package request sent by the Board, could the request for 2014 and 2015 be brought back to the Board for consideration.

Mr. Davenport stated that for typical tax refund request it goes back three years. He stated that the legislature would not be limited by three years if they wanted to take a different approach. He stated that they could go back more than three years or choose not to change anything.

Commissioner Rousseau asked if the Board was setting a dangerous precedent by waiting on the legislature to act if the Board modified the Attorney's recommendation to forego 2013 and 2014 and leave 2015 open.

Mr. Davenport stated that any time a decision is made contingent on action by the legislature it is a problem.

Commissioner Brown stated that in his conversations with the State Senator and two Representatives, all three were not aware that this problem exist. He stated that they each had a keen interest that this be resolved.

Commissioner Rousseau shared that he spoke with the newly elected Representatives for the county and it is on their radar as well. He stated that he also spoke with the Association of County Commissioners of Georgia (ACCG) and it is moving on this issue.

Commissioner Brown stated that if it is the desire of the Board to reimburse Ora Williamson for years 2014 and 2015 that could be done.

Mr. Davenport stated that question was asked for the others that were denied. He stated that his response was yes, but the only issue is the precedential value because there is nothing to allow the approval.

Commissioner Rousseau asked if the Board could vote on one year and let the applicants reapply and bring it back to the Board based on what is done by the legislature.

Mr. Davenport stated that he does not know if what action the Board takes would have any impact if the law changes. He stated that the nature of the change is different than any other change because it is looking at a retroactive applicability.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15. Commissioner Rousseau seconded. Further discussion followed.

Commissioner Barlow stated that Mr. Davenport is correct. He quoted, "there has been no erroneous or illegal assessment or collection of tax, nor any overpaid to trigger a refund. The requested refund is recommended for full denial. Total amount..." He stated that is exactly what the law requires Mr. Davenport to bring before the Board. He stated that Mr. Davenport also stated that whatever the Board votes on is going to be what occurs.

Chairman Oddo stated that the Board does not know what ramification this will have for the County. He stated that the Board is asking the legislature to look at this problem.

Commissioner Rousseau stated that his frustration is not to be able to vote in favor of the refund because the Board would be opening a door with no idea of what is behind it. He stated that the hope is that the legislature will act and that they will do something responsible that will allow applicants to reapply. He stated that allowing an applicant to reapply should be a provision of the discussion going forward at the state level.

Chairman Oddo moved to approve the County Attorney's recommendation to deny the disposition of tax refunds, as requested by Ora Williamson, in the aggregate amount of \$5,910.15. Commissioner Rousseau seconded. The motion failed 2-2 with Commissioners Barlow and Brown voting in opposition to deny. Vice Chairman Ognio was absent.

Commissioner Brown moved to approve Disabled Veterans Homestead Exemption as requested by Ora Williamson for the year 2014 in the amount of \$2,007.72 and for the year 2015 in the amount of \$2,062.39 in appreciation for her service, knowing that the delay in notification on her disable status was not her fault, but the fault of the federal government.

Commissioner Barlow seconded. No discussion followed. The motion failed 2-2 with Chairman Oddo and Commissioner

Rousseau voting in opposition to approve. Vice Chairman Ognio was absent. A copy of the request, identified as "Attachment 27," follows these minutes and is made an official part hereof.

28. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Wyatt Martin, in the aggregate amount of \$702.47.

Mr. Davenport briefed the Board that this request is different from the Disabled Veterans Homestead Exemption. He stated that this request involves a mistake in the measuring of square footage of the home. He stated that the mistake first appeared in tax year 2014 and the person filing the request is requesting a refund for 2013, 2014 and 2015. He stated that because the tax exemption did not apply to tax year 2013 there is nothing to consider for a refund. He stated that it was applied in 2014 and 2015 at the aggregate amount of \$702.47 due to the error in square footage. He stated that the error was corrected in 2016 so there would be no reason to approve a request for 2016. He stated that the recommendation is to only approve for tax years 2014 and 2015.

No one spoke regarding this item.

Commissioner Brown moved to approve the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Wyatt Martin, in the aggregate amount of \$702.47. Commissioner Barlow seconded. No discussion followed. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 28," follows these minutes and is made an official part hereof.

29. Consideration of Commissioner Brown's request to allow a van pool to be utilized in a county parking lot for physical disabled Fayette County residents.

Commissioner Brown stated that he was approached by a local citizen, Scott Hooper about this request. He stated that Mr. Hooper has a disability that prevents him from driving. He stated that Mr. Hooper is part of a van pool in Fayette County that takes him to his place of employment. He stated that most people live adjacent to the parking lot or they drive their personal vehicles to the parking facility to board the van. He stated that he is at the disadvantage that he cannot drive at all. He stated that he sent an email correspondence related to Vice Chairman Ognio's questions. He read the statement into the record.

In the spirit of the Americans with Disabilities Act, the Fayette County Board of Commissioners desires to meet the needs of our Fayette County citizens with disabilities, including access to employment and public services.

Vanpool services have been used in the Atlanta region for nearly three decades, approved by GDOT and the Atlanta Regional Commission. Vanpooling is widely used in Fayette County as a means to reduce traffic congestion during commuting drive-times.

Helping Fayette County citizens with disabilities find and maintain employment is important to the Board of Commissioners and is of great benefit to the community.

The following conditions should be used to determine approval of vanpool parking services on County Government property:

1. Does the person have a physical or mental impairment that substantially limits one or more major life activities? And that is the provision that is used as the basis for the ADA, American Disabilities Act.
2. Are private parking lots (e.g. churches, shopping centers, etc.) available in the immediate area? Have they refused to allow the vanpooling service?

3. Does the County Government have available parking space such that the vanpooling activities do not interrupt government service levels to a point which cannot be tolerated?
 4. Is the vanpooling organization recognized by the Atlanta Regional Commission as a reputable provider of service?
 5. Have all contractual arrangements concerning use and liability been reviewed by the County Attorney and deemed appropriate?
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Mr. Hooper thanked the Board for considering this item and he thanked Commissioner Brown for presenting this item.

Commissioner Brown asked Mr. Hooper if he resided in the subdivision that is in the immediate vicinity of the parking lot. Mr. Hooper stated that is correct. Commissioner Brown asked Mr. Hooper if he would have a problem providing medical verification of his disability to the county. Mr. Hooper stated that he would have no problem doing so, however under the ADA he is not required to do so.

Commissioner Brown asked Mr. Hooper if he would have a problem providing a list of van pool riders to include name, vehicle description and license plate numbers. He stated that the County would make sure that the van pool operation is in good standing with the Atlanta Regional Commission (ARC).

Mr. Hooper stated that his question was regarding the availability of the local shopping center. He stated that this is more of a logistical consideration because of his disability.

Commissioner Brown stated that he was referring to places within walking distance when he mentioned churches and shopping centers.

Commissioner Rousseau asked how many people participated in the van pool. Mr. Hooper stated that there are currently five pool riders. Commissioner Rousseau asked the distance to the Publix on Highway 85 where he currently meets. Mr. Hooper stated that it is a mile and a half from his residence. He stated that his wife takes him to the location or he asks for a ride from another van pooler. He stated that he does not like to be a burden to anyone else and their family time. He stated that as a citizen he is looking for ways to be more independent.

Mr. Rapson stated that if the Board would like to have van pool on government property, staff will evaluate the property and come to the Board with recommendation.

Commissioner Brown stated that he had discussions with the Attorney and this could be limited to van pools that have individuals with disabilities. He stated that can be done.

Commissioner Rousseau stated that he recognizes that it could be limited, however it opens the door for others to say they are being excluded.

Mr. Davenport stated that he and Commissioner Brown had discussions and the handicap issue was discussed. He stated that the County currently does not allow anyone to park on County property overnight. He stated that the County would need to change that ordinance to allow parking on property overnight to occur. He continued that if the Board limit parking to handicap, the parking lot is not being used for its intended purpose which is the recreational support on the fields. He stated that although it is a distinction that the County can make it is not the kind of distinction that would probably carry the day if others wanted to do the same.

Commissioner Rousseau stated that if Commissioner Brown would entertain tabling the item and let it be filtered to answer some of the questions to accommodate the request.

Mr. Rapson asked the Board if the request is to limit it to individuals with disabilities.

Commissioner Brown stated that he has no problem doing that to accommodate Mr. Hooper and later broaden the use. He stated that this is not out of the box because the County does accommodate public use in parking lots including the use of electrical charging stations. He stated that he would like to at least help Mr. Hooper and put something on the agenda at a future date with a policy change.

Commissioner Rousseau stated that the question of liability would have to be addressed.

Commissioner Brown stated that V-Ride covers all the liabilities.

Mr. Davenport stated that V-Ride also has to approve the location. He stated that he is not certain if V-Ride has been told of this location and if they were told if V-Ride has approved it. He stated that he understands the relationship to be between the driver of the pool vehicle and V-Ride. He stated that the driver is responsible for the vehicle that he or she leases through V-Ride and V-Ride dictates how the vehicle can be used and specifically approves the location for the van to be parked overnight. He stated that if the Board decided to approve this item it would still take V-Ride to give the formal approval.

Mr. Hooper stated that he has not approached V-Ride for that approval. He stated that he did not think he should go down that route until he had the particulars of the address, lighting situation and other information to address any of their safety concerns.

Chairman Oddo stated that he is interested in exploring this item.

Commissioner Rousseau stated that he is open to staff reviewing this item.

Mr. Davenport suggested having an inventory of all facilities that have parking lots and the capacity.

Commissioner Barlow asked Mr. Hooper if V-Ride had a driver. Mr. Hooper stated that there are group drivers within the pool. Commissioner Barlow asked Mr. Hooper if he would be able to visit with V-Ride to determine if any other county is providing parking for V-Ride users. He stated that the County could create a draft document based on what another counties are doing so that it aligns with Fayette County.

Commissioner Brown moved to table this item to the February 9, 2017 Board of Commissioners meeting. Commissioner Barlow seconded. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the request, identified as "Attachment 29," follows these minutes and is made an official part hereof.

PUBLIC COMMENT:

There was no public comments.

ADMINISTRATOR'S REPORTS:

Mr. Rapson stated that the Administrative offices will be closed for Christmas on December 23 and December 26.

ATTORNEY'S REPORTS:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountygga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Notice of Executive Session: County Attorney Dennis Davenport stated that he had four items Real Estate Acquisition, one Real Estate Disposition, two Threaten Litigation and the Review of the November 10, 2016 Executive Session Minutes for consideration in Executive Session.

COMMISSIONERS' REPORTS:

Commissioner Brown

Merry Christmas: Commissioner Brown wished everyone in Fayette County a safe Merry Christmas and to look out for their neighbors.

Thanked Commissioner Barlow: He thanked Commissioner Barlow for his service.

Christmas Donation: He stated that in years past he would hand write all the employees a Christmas card and last year he took the money that he would ordinarily spend, which is around \$750.00, on Christmas cards and donated it to a local charity on behalf of the employees of Fayette County. He stated that this year he would do the same and give half of the money to the Midwest Food Bank for their loading dock project and the other half to Grandparents and Kin Raising Children in honor of Commissioner Barlow.

Commissioner Rousseau

Tax Commissioner Office: Commissioner Rousseau stated that Mr. Williamson stated that the Tax Commissioners Office told him to come to the Board and the Board "would" approve the request. He instructed Mr. Rapson to advise the Tax Commissioners Office, if that statement is true, that individuals do come before the Board but the decision is not automatic.

Thanked Commissioner Barlow: He stated that when he addresses Commissioner Barlow, he sees service to his Lord, service to his wife, service to the community, service on the various boards and that exemplifies Commissioner Barlow. He stated that he has a willing heart and he appreciates the opportunity to serve with him. He stated that he appreciates his counsel and his friendship. He stated that he looks forward to continue dialogue beyond the dais. He thanked Commissioner Barlow for his counsel and friendship.

Thank you to School Board: He thanked the school board for hosting those who were part of the panel. He stated that disparate treatment in the school system is real. He stated that the Board can work together with the School Board, parents, teachers and students to address the problem. He stated that it is evident in the conversations he is having with parents. He stated that people want to talk about not crossing political boundaries, but it is our children and our community. He stated, "If we can help, I am raising my hand to assist."

Merry Christmas: He wished staff a Merry Christmas. He stated that he appreciates the hard work, dedication and recognition received by the Water System.

Commissioner Barlow

Thank you to Everyone: Commissioner Barlow made the following comments:

I want to thank the citizens of Fayette County for entrusting me to represent you these past four years. Working for you has truly been an honor. This is my last official meeting as County Commissioner. As I leave it is good to reflect on the positive impacts of which I have had a part.

First, I was one of the five commissioners who voted to hire County Administrator Steve Rapson and County Attorney Dennis Davenport. Mr. Rapson has done more than can be told to provide moral, morale, integrity and leadership to the employees of Fayette County. Mr. Davenport works hard to make sure we are kept out of trouble. And in my business I had in Mississippi, I had over two hundred and fifty attorneys in my data base that I did work for from time to time as a certified legal video specialist, and of those two hundred and fifty, I had less than ten that I considered to be highly competent at what they did. And I was in the court room observing their actions so I had personal knowledge. Mr. Davenport brings a level of expertise to this that I truly admire. One of the things that has always been paramount with you is to get it right. You are very careful about your decisions and when you make a decision it is usually right and for that I want to thank you. You are truly a benefit to Fayette County, quite an asset.

I voted in favor of a water franchise agreement between Fayette County and the City of Peachtree City that corrected a long term historical problem concerning Lake Peachtree. I voted to keep Fayette County taxes low as possible by voting for a balanced budget, each of my years in office with two separate rollbacks. As Commissioner I was here as the County's credit rating advanced to AAA status both with Moody's and Standards and Poor's. That is not done because of the Commissioner. That was done because of what Steve Rapson and our CFO, our County Financial Officer, Mary [Parrott], back in the early days it was Mary Holland [did]. The accounting level of expertise that Steve Rapson brings to this job is beyond comparison. There is no one that I've meet with ACCG and all the courses I've taken on government accounting that come close to even toting his briefcase. This gentleman, he is the success and the reason that Fayette County runs at the level of expertise that it does. I applaud him all the time.

I worked with the various Selection Committees to find qualified interested citizens who wanted to work on boards, authorities and committees. In my four years I nominated approximately forty-nine citizens to these boards. Those bodies helped form opinions and help steer the county in the days and years to come. I implemented the Team Player Award and we have seven county employees who received that award. I served on the Fayette County Board of Health, advancing to Chairman and the McIntosh Trail Community Service Board as an advocate for the health and welfare of our citizens. That is something that we brought to the forefront and Commissioner Brown is continuing on with it, but the public is just not aware of the depth of the need for mental illness facilities. They now call them community service boards. And what you find is that when the people do receive treatment that most of them do not become a problem in society. And if you want to find out where mental health is very successful, talk to your law enforcement.

I voted in favor of the comp and class study, the first in approximately nine years, in order to determine if the employees are marketable and to make sure this county takes care of those who takes care of us. And that issue cannot be made strong enough. We as a County desire to compensate our staff for the quality of work that they do.

In the first year the budget was balanced without dipping into the reserve, the remarkable thing that was accomplished under Steve Rapson's leadership.

So I will close by saying I have enjoyed my time. I want to thank the staff who diligently came to the meetings, who work behind the scenes, who put in long hours and that tirelessly serves us. I want to thank my colleagues for serving with me. The work is not easy but it is rewarding. I want to thank you the people for giving me an opportunity to serve and I want to thank God for his many blessing bestowed on me, my family, this country and Fayette County.

He stated that in closing he wanted to say, that when you are in perfect peace in your life is when you are in God's will for what he has called you to do. He stated that every morning when he gets up he spends time in the Word and the one prayer that he prays is "Father, what would you have me to do today." He stated that the majority of the people that worked against him live in White Water Subdivision. He stated that God, in his infinite wisdom, put him driving a sub bus in the White Water Subdivision. He stated that in the process of disciplining a young child, a young lady commented that her mother told her that he was "the best Commissioner in the state of Georgia." He stated that people will "foo-foo" that remark, but that he received that as a gift from God to say he is right where God wants him to be. He ended with "God bless America and God bless Fayette County."

Chairman Oddo

Commissioner Barlow: Chairman Oddo stated that Commissioner Barlow forgot to mention that he was instrumental in getting Invocations going before the meetings.

John Glenn: He stated that the country lost an icon and hero. He stated that around 4:00 p.m. John Glenn passed away. He stated that he remembers growing up and watching the Mercury on TV. He stated that he remembers that as he soared into the sky, the dreams of this nation soared with him.

Thank you Commissioner Barlow: He thanked Commissioner Barlow for four years of working together. He stated that one thing he can say about Commissioner Barlow is that his success and his satisfaction comes from a desire to do things for other people. He stated that he appreciates that trait and he wished more people had it.

Thank you Citizens: He stated that he wanted to thank the citizens for giving him the privilege of being a commissioner for the last few years and Chairman the last couple of years. He stated that it has been a rewarding experience.

Thank you to Staff: He stated that he wanted to thank staff because without them, the Commissioners could not do what we do. He stated that the Board relies on them heavily to make decisions. He stated that the county is in good shape because of staff.

Thank you to Elected Leaders: Chairman Oddo thanked the elected leaders in the community and the City Managers. He stated that the City Managers have been great and there is a willingness for the cities to work with the county. He stated that progress is being made.

EXECUTIVE SESSION:

Four Items of Real Estate Acquisition, One Real Estate Disposition, Two Threaten Litigation and Review of the November 10, 2016 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

The Board recessed into Executive Session at 10:08 p.m. and returned to Official Session at 11:07 p.m.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Commissioner Rousseau moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent. A copy of the Executive Session Affidavit, identified as "Attachment 30," follows these minutes and is made an official part hereof.

Approval of the November 10, 2016 Executive Session Minutes: Commissioner Brown moved to approve the November 10, 2016 Executive Session Minutes. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

ADJOURNMENT:

Commissioner Brown moved to adjourn the December 8, 2016 Board of Commissioners meeting. Commissioner Barlow seconded the motion. The motion passed 4-0 with Vice Chairman Ognio absent.

The December 8, 2016 Board of Commissioners meeting adjourned at 11:07 p.m.

Tameca P. White, Interim County Clerk

Charles W. Oddo, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 5th day of January 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, Interim County Clerk